

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DR. SHIVA AYYADURAI,)
Plaintiff,)
)
v.) C.A. No. 1:20-12080-MLW
)
WILLIAM FRANCIS GALVIN, in his)
official capacity as the)
Secretary of the Commonwealth)
of Massachusetts,)
Defendant.)

MEMORANDUM AND ORDER

WOLF, D.J.

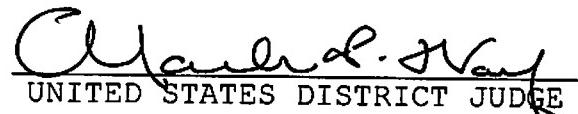
December 9, 2020

On November 23, 2020, Dr. Shiva Ayyadurai, pro se, filed an Emergency Motion for a Preliminary Injunction to prohibit certification of the November 3, 2020 Massachusetts general election for United States Senate and to require a hand recount of the September 1, 2020 Massachusetts Republican primary election (the "Motion for a Preliminary Injunction"). See Dkt. No. 6. Defendant Secretary of the Commonwealth William F. Galvin filed an opposition to the Motion for a Preliminary Injunction on December 4, 2020. See Dkt. No. 17, Plaintiff filed a reply on December 7, 2020. See Dkt. No. 18.

On December 4, 2020, defendant filed and served on plaintiff a Motion to Dismiss, which presents possibly meritorious grounds for dismissal. See Dkt. No. 15. Plaintiff has not responded to that motion.

If the court grants defendant's Motion to Dismiss, plaintiff's Motion for Preliminary injunction will be moot.¹ Therefore, the court does not intend to decide plaintiff's Motion for a Preliminary Injunction until the Motion to Dismiss is fully briefed and ripe for resolution.

Rule 7.1(b)(2) of the Local Rules of the United States District Court for the District of Massachusetts provides that an opposition shall be filed within 14 days of service of a motion. Therefore, it is hereby ORDERED that plaintiff shall respond to defendant's Motion to Dismiss by December 18, 2020.²


UNITED STATES DISTRICT JUDGE

¹ Because the results of the 2020 United States Massachusetts Senate Election were certified on November 25, 2020, defendant's Motion for Preliminary Injunction may be moot in any event.

² The court notes that there is another pending case in this District, Moran v. Commonwealth of Massachusetts, 20-cv-12171-ADB ("Moran"), in which plaintiffs seek decertification of the Massachusetts results of the 2020 General Election for the Office of President, and all federal, statewide, regional, and local offices. Moran includes claims similar to plaintiff's claims in this case and additional claims as well. Plaintiffs in Moran have moved for a preliminary injunction and a hearing on that motion is scheduled for December 17, 2020. It is possible that this case should be stayed pending at least a decision on the motion for preliminary injunction in Moran.